

**IN THE UNITED STATES DISTRICT COURT
OF THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION**

JUNE PRYOR AVANCE, ET AL.
Plaintiffs

V.

KERR-MCGEE CHEMICAL LLC
Defendant

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§
§

No. 5:04CV209

MEMORANDUM ORDER

The above-entitled and numbered civil action was heretofore referred to United States Magistrate Judge Caroline M. Craven pursuant to 28 U.S.C. § 636. The Report of the Magistrate Judge which contains her proposed findings of fact and recommendations for the disposition of such action has been presented for consideration. No objections were filed to the Report and Recommendation. The Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct. Therefore, the Court hereby adopts the Report of the United States Magistrate Judge as the findings and conclusions of this Court. Accordingly, it is hereby

ORDERED that Defendant's Motion to Exclude Testimony and for Summary Judgment as to Lou Ivy Preston (Dkt. No. 320) is **GRANTED**.¹ It is further

ORDERED that Dorothy Gill's claims, as a representative of her deceased mother Lou Ivy Preston, against Defendant are **DISMISSED WITH PREJUDICE**.

SIGNED this 23rd day of October, 2006.



DAVID FOLSOM
UNITED STATES DISTRICT JUDGE

¹ This Order in no way comments on the methodology or the alleged defects in the methodology utilized by Dr. Farber.